

Message Text

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TO WHITE HOUSE IMMEDIATE

S E C R E T STATE 303660

EXDIS DISTRIBUTE AS NODIS, FOR BRZEZINSKI ONLY

FOLLOWING REPEAT SEOUL 10745 SENT ACTION SECSTATE DEC 21.
QUOTE S E C R E T SECTION 1 OF 2 SEOUL 10745

EXDIS - DISTRIBUTE AS NODIS

E.O. 11652: GDS

TAGS: PGOV, KS, US

SUBJECT: TONGSUN PARK AFFAIR: MUTUAL PROSECUTION ASSISTANCE

REF: STATE 303478

FOLLOWING IS OUR WORKING TEXT OF MPAA FOR VERIFICATION:

TITLE: MUTUAL PROSECUTION ASSISTANCE AGREEMENT

PREAMBLE: THE FOLLOWING EVIDENCES THE AGREEMENT REACHED
BETWEEN THE REPUBLIC OF KOREA MINISTRY OF JUSTICE AND THE
UNITED STATES DEPARTMENT OF JUSTICE CONCERNING TERMS
AND CONDITIONS FOR COMMUNICATING WITH MR. TONGSUN PARK.

1. THE MINISTRY OF JUSTICE OF THE REPUBLIC OF KOREA AND
THE UNITED STATES DEPARTMENT OF JUSTICE AGREE TO RENDER,
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IN ACCORDANCE WITH THE LAWS OF THEIR RESPECTIVE COUNTRIES,
WITH THE PROVISIONS OF THE JOINT STATEMENT REGARDING
COOPERATION BETWEEN THE GOVERNMENTS OF THE REPUBLIC OF
KOREA AND THE UNITED STATES CONCERNING THE CASE OF
MR. TONGSUN PARK ISSUED ON (BLANK) AND WITH THE PRO-
VISIONS OF THIS AGREEMENT, MUTUAL ASSISTANCE TO THE
PROSECUTORS IN THEIR RESPECTIVE COUNTRIES WITH RESPECT

TO THE ACTIVITIES OF MR. TONGSUN PARK PERTAINING TO ALLEGED BRIBERY OF UNITED STATES OFFICIALS OR PERSONS HEREINAFTER REFERRED TO AS "THE UNITED STATES OFFICIALS".

2. ALL REQUESTS FOR ASSISTANCE MAY BE COMMUNICATED DIRECTLY BETWEEN THE MINISTRY OF JUSTICE OF THE REPUBLIC OF KOREA AND THE UNITED STATES DEPARTMENT OF JUSTICE.

3. MR. TONGSUN PARK MAY BE REPRESENTED BY COUNSEL OF HIS CHOICE AT ALL MEETINGS AND QUESTIONING SESSIONS IN KOREA OR THE UNITED STATES.

4. AT THE MEETING TO BE HELD AT THE AMERICAN EMBASSY IN SEOUL IN THE PRESENCE OF TWO KOREAN OFFICIALS, MR. TONGSUN PARK AND UNITED STATES JUSTICE OFFICIALS WILL BE EXPECTED TO SIGN A MEMORANDUM OF UNDERSTANDING REPRESENTING THE AGREEMENT BETWEEN MR. TONGSUN PARK AND THE UNITED STATES DEPARTMENT OF JUSTICE REGARDING HIS PROMISE TO GIVE TRUTHFUL TESTIMONY AND THE DEPARTMENT OF JUSTICE'S OFFER TO SEEK DISMISSAL OF THE INDICTMENT PRESENTLY PENDING AGAINST HIM FOLLOWING THE COMPLETION OF HIS TESTIMONY AND COOPERATION.

5. DURING THE SUBSEQUENT INTERROGATION OF MR. TONGSUN PARK IN SEOUL, KOREA, THE UNITED STATES DEPARTMENT OF JUSTICE PROSECUTORS WILL PUT QUESTIONS TO MR. PARK IN
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ENGLISH, AND MR. PARK WILL ANSWER IN ENGLISH. MR. PARK'S ANSWERS TO A PARTICULAR QUESTION WILL BE STATED IMMEDIATELY AND WITHOUT DELAY FOR TRANSLATION, AND SIMULTANEOUS TRANSLATION INTO KOREAN OR ENGLISH WILL BE EMPLOYED AS NEEDED. VERBATIM RECORD IN ENGLISH WILL BE PROVIDED TO THE KOREAN PROSECUTION.

6. AT THE START OF EACH SESSION OF QUESTIONING, KOREAN PROSECUTORS WILL PUT QUESTIONS TO MR. PARK. THEREAFTER, UNITED STATES PROSECUTORS WILL PUT QUESTIONS TO MR. PARK WITHOUT INTERRUPTION.

7. AT THE OPTION OF THE AMERICAN PROSECUTORS IN LIEU OF QUESTIONING ON THE RECORD, MR. PARK MAY BE EXAMINED BY UNITED STATES POLYGRAPH EXAMINER CONCERNING ANY QUESTION PREVIOUSLY PUT, OR BE INTERVIEWED OFF THE RECORD BY UNITED STATES PROSECUTORS IN THE PRESENCE OF KOREAN OFFICIALS.

8. THE QUESTIONING SHALL CONCERN MR. PARK'S RELATIONSHIP WITH UNITED STATES OFFICIALS, INCLUDING CONGRESSMEN, AND RELATED ACTIONS OR STATEMENTS MADE BY PARK OR MADE IN

HIS PRESENCE. MR. PARK MAY ALSO BE QUESTIONED ABOUT KOREAN OR AMERICAN PERSONS OR ENTITIES UTILIZED BY HIM TO CONDUCT SUCH RELATIONSHIP. THE QUESTIONING SHALL NOT CONCERN ACTIONS OR STATEMENTS OF PRESENT OR FORMER OFFICIALS OF THE REPUBLIC OF KOREA OR ANY THIRD COUNTRY, EXCEPT THOSE CONCERNING OR OCCURRING IN THE PRESENCE OF UNITED STATES OFFICIALS.

9. WHEN MR. TONGSUN PARK COMES TO THE UNITED STATES AS A WITNESS IN CONNECTION WITH PROSECUTION OF INDICTMENTS AGAINST UNITED STATES OFFICIALS OR PERSONS, THE SCOPE OF EXAMINATION BY THE PROSECUTION WILL BE THE SAME AS IN KOREA.

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10. IN ADDITION TO TESTIFYING AS A PROSECUTION WITNESS DURING TRIALS OF UNITED STATES OFFICIALS OR PERSONS, MR. PARK MAY BE REQUIRED TO COOPERATE AT RELATED COURT PROCEEDINGS SUCH AS PRE-TRIAL MOTIONS.

11. IF BETWEEN THE SOUL INTERROGATION AND MR. PARK'S FIRST APPEARANCE IN CONNECTION WITH TRIALS IN THE UNITED STATES, UNITED STATES PROSECUTORS NEED TO QUESTION HIM FURTHER, ARRANGEMENTS WILL BE MADE PURSUANT TO THE EXISTING AGREEMENTS OF THE GOVERNMENTS OF THE UNITED STATES AND THE REPUBLIC OF KOREA AND MR. TONGSUN PARK.

12. IT SHOULD NOT BE NECESSARY FOR MR. PARK TO APPEAR BEFORE THE UNITED STATES GRAND JURY, SINCE THE TRANSCRIPTS OF THE SEOUL INTERROGATION WILL BE PRESENTED TO THE GRAND JURY AND SHOULD SUFFICE IN LIEU OF HIS PERSONAL APPEARANCE.

13. IN ADDITION, RELEVANT PORTIONS OF THE TRANSCRIPTS OF MR. PARK'S SEOUL INTERROGATION MAY BE PROVIDED BY THE UNITED STATES DEPARTMENT OF JUSTICE TO UNITED STATES CONGRESSIONAL COMMITTEES. THE COMMITTEES WILL BE URGED TO ACCEPT THE TRANSCRIPTS IN LIEU OF PERSONAL APPEARANCES BY MR. PARK. IN ADDITION, THEY WILL BE ASKED BY THE UNITED STATES DEPARTMENT OF JUSTICE NOT TO SUBPOENA MR. PARK WHEN HE VISITS THE UNITED STATES FOR TRIAL TESTIMONY.

14. EXCEPT AS PROVIDED IN PARAGRAPHS 10, 12, AND 13, ALL INFORMATION MADE AVAILABLE BY THE MINISTRY OF JUSTICE OF THE REPUBLIC OF KOREA AND THE UNITED STATES DEPARTMENT OF JUSTICE PURSUANT TO THIS AGREEMENT, AND
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ALL CORRESPONDENCE BETWEEN THEM RELATING TO SUCH INFORMATION AND TO THE IMPLEMENTATION OF THIS AGREEMENT, SHALL BE KEPT CONFIDENTIAL AND SHALL NOT BE DISCLOSED TO THIRD PARTIES OR TO GOVERNMENT AGENCIES, EXCLUDING AGENCIES INVESTIGATING ALLEGED BRIBERY OF THE UNITED STATES OFFICIALS, UNLESS OTHERWISE AGREED.

15. THE MINISTRY OF JUSTICE OF THE REPUBLIC OF KOREA AND THE UNITED STATES DEPARTMENT OF JUSTICE SHALL GIVE ADVANCE NOTICE PRIOR TO THE USE OF ANY INFORMATION MADE AVAILABLE PURSUANT TO THIS AGREEMENT.

16. THIS AGREEMENT SHALL ENTER INTO FORCE ON THE DATE OF SIGNATURE BY BOTH REPRESENTATIVES OF THE MINISTRY OF JUSTICE OF THE REPUBLIC OF KOREA AND THE UNITED STATES DEPARTMENT OF JUSTICE.

DONE AT SEOUL, KOREA THIS (BLANK) DAY OF (BLANK) IN DUPLICATE IN THE KOREAN AND ENGLISH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.

FOR THE MINISTRY OF JUSTICE OF THE REPUBLIC OF KOREA:

FOR THE UNITED STATES DEPARTMENT OF JUSTICE: END TEXT.
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